

**§ 953.76**

right to modify, change, or rescind requests for any reports pursuant to this section.

(b) Each handler shall establish and maintain for at least two succeeding years such records and documents with respect to potatoes received and potatoes disposed of by him as will substantiate the required reports.

(c) For the purpose of assuring compliance with the recordkeeping requirements and verifying reports filed by handlers, the Secretary, and the committee through its duly authorized employees, shall have access to such records.

(d) All reports and records furnished or submitted by handlers to, or obtained by the employees of, the committee which contain data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular handler from whom received, shall be treated as confidential and the reports and all information obtained from records shall at all times be kept in the custody and under the control of one or more employees of the committee who shall disclose such information to no person other than the Secretary, or as authorized by the Secretary. Compilations of general reports from data and information submitted by handlers is authorized subject to the prohibition of disclosure of individual handlers' identity or operations.

[33 FR 8504, June 8, 1968]

**§ 953.76 Compliance.**

Except as provided in this subpart, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with provisions of this subpart, and no handler shall ship potatoes except in conformity to the provisions of this subpart.

**§ 953.77 Right of the Secretary.**

The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination, or other act of the com-

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mittee, shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

**§ 953.78 Duration of immunities.**

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart except with respect to acts done under and during the existence of this subpart.

**§ 953.79 Agents.**

The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

**§ 953.80 Derogation.**

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or in accordance with such powers, to act in the premises whenever such action is deemed advisable.

**§ 953.81 Personal liability.**

No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

**§ 953.82 Separability.**

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person,

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circumstance, or thing shall not be affected thereby.

### § 953.83 Amendments.

Amendments to this subpart may be proposed from time to time by the committee or by the Secretary.

## Subpart—Rules and Regulations

### GENERAL

### § 953.100 General.

(a) *Marketing agreement* means Marketing Agreement No. 104.

(b) *Order* means Order No. 953 (§§ 953.1 through 953.83).

(c) All other terms shall have the same meaning as when used in the marketing agreement and order.

### CHANGE IN DATE FOR COMPLETING NOMINATIONS, TERM OF OFFICE, AND FISCAL PERIOD

### § 953.120 Nomination date.

The names of committee nominees shall be supplied to the Secretary in such manner and form as he may prescribe, pursuant to § 953.18, not later than January 31 of each year.

[34 FR 17328, Oct. 27, 1969]

### § 953.121 Term of office.

The term of office, pursuant to § 953.16, which began November 1, 1968, shall end March 31, 1970. Thereafter, each term of office shall begin April 1 of each year and end March 31 of the following year, both dates inclusive.

[34 FR 17828, Oct. 27, 1969]

### § 953.122 Fiscal period.

The fiscal period, pursuant to § 953.9, which began on April 1, 1976, shall end on May 31, 1977. Thereafter, each fiscal period shall begin on June 1 of each year and end on May 31 of the following year, both dates inclusive.

[41 FR 42184, Sept. 27, 1976]

### § 953.123 Reestablishment of districts and reapportionment of committee membership.

(a) Pursuant to § 953.12: (1) The counties of James City and Nansemond and the cities of Chesapeake and Virginia Beach (currently District No. 3) are re-

established as a part of District No. 2; (2) the membership of the Southeastern Potato Committee shall be apportioned among the districts of the production are so as to provide the following representation: Two producer members and one handler member from each of Districts No. 1, 4, and 5; one producer member and two handler members from District No. 2. The respective alternates shall be selected on the same basis of representation as the members.

(b) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

[37 FR 927, Jan. 21, 1972]

## Subpart—Assessment Rates

### § 953.253 Assessment rate.

On and after June 1, 1998, an assessment rate of \$0.01 per hundredweight is established for Southeastern States potatoes.

[63 FR 32968, June 17, 1998]

## Subpart—Handling Regulations

### § 953.322 Handling regulation.

During the period beginning June 5 and ending July 31 each season, no person shall ship any lot of potatoes produced in the production area unless such potatoes meet the requirements of paragraphs (a) and (b) of this section or unless such potatoes are handled in accordance with paragraphs (c) and (d) or (e) of this section.

(a) *Minimum grade and size requirements.* All round white varieties of potatoes shall be U.S. No. 2 or better grade, 1½ inches (38.1 mm) minimum diameter.

(b) *Inspection.* Except as provided in paragraphs (c) and (e), no handler shall ship any round white potatoes unless an appropriate inspection certificate covering them has been issued by the Federal-State Inspection Service and the certificate is valid at the time of shipment.

(c) *Special purpose shipments.* The grade, size, and inspection requirements set forth in paragraphs (a) and (b) of this section shall not apply to potatoes shipped for canning, freezing,